8.3 Cultural Resources

This section discusses the potential effects of the WCEP project on cultural resources. This section is consistent with state regulatory requirements for cultural resources pursuant to CEQA. Cultural resources include prehistoric and historic archaeological sites;[1] districts and objects; standing historic structures, buildings, districts and objects; and locations of important historic events, or sites of traditional/cultural importance to various groups.[2] The study scope was developed in consultation with the CEC's cultural resources staff and complies with *Instructions to the California Energy Commission Staff for the Review of and Information Requirements for an Application for Certification* (CEC, 1992) and *Rules of Practice and Procedure & Power Plant Site Certification Regulations* (CEC, 1997).

Section 8.3.1 describes the cultural resources environment that might be affected by the WCEP. Section 8.3.2 discusses the environmental consequences of construction and operation of the proposed development. Section 8.3.3 determines whether there will be any cumulative effects from the project. Section 8.3.4 presents mitigation measures that will be implemented to avoid construction impacts. Section 8.3.5 discusses the LORS applicable to the protection of cultural resources. Section 8.3.6 lists the agencies involved and agency contacts, and Section 8.3.7 discusses permits and the permitting schedule. Section 8.3.8 lists reference materials used in preparing this section.

Appendix 8.3A provides copies of agency consultation letters. Appendix 8.3B provides the resume for Clint Helton, RPA, the archaeologist who conducted the field studies. Figure 8.3-1 indicates the ethnographic Native American tribal affiliation of the project area and also depicts the areas of intensive cultural resources survey conducted for the project.

The WCEP project is subject to CEC and CEQA regulatory requirements. The project does not require review under federal regulations such as the National Historic Preservation Act (NHPA) and the Archaeological and Historic Preservation Act of 1974 (16 USC 469), among others, because it is not a federal undertaking (federally permitted or funded).

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[1] Site – "The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure…where the location itself possesses historic, cultural, or archeological value." (U.S. National Park Service [USNPS]-IRD, 1991: 15).

[2] The federal definitions of cultural resource, historic property or historic resource, traditional use area, and sacred resources are reviewed below and are typically applied to non-federal projects.

A cultural resource may be defined as a phenomenon associated with prehistory, historical events or individuals or extant cultural systems. These include archaeological sites, districts and objects; standing historic structures, districts and objects; locations of important historic events; and places, objects and living or non-living things that are important to the practice and continuity of traditional cultures. Cultural resources may involve historic properties, traditional use areas and sacred resource areas.

Historic property or historic resource means any prehistoric district, site building, structure, or object included in, or eligible for, inclusion in the National Register of Historic Places. The definition also includes artifacts, records and remains that are related to such a district, site, building, structure or object.

Traditional use area refers to an area or landscape identified by a cultural group to be necessary for the perpetuation of the traditional culture. The concept can include areas for the collection of food and non-food resources, occupation sites and ceremonial and/or sacred areas.

Sacred resources applies to traditional sites, places or objects that Native American tribes or groups, or their members, perceive as having religious significance.

8.3.1 Affected Environment

In southern California, cultural resources extend back in time for at least 11,500 years. Written historical sources tell the story of the past 200 years. Archaeologists have reconstructed general trends of prehistory in southern California.

8.3.1.1 Regional Setting

The project region encompasses the entire Los Angeles Basin, a broad alluvial plain bounded by the Transverse and Peninsular ranges. The cultural attributes common to the earliest inhabitants of this region (e.g., large, coarse chipped-stone tools including knives and scrapers) are found over an area encompassing thousands of square miles, from the Peninsular ranges south to Baja California and east throughout the Mojave Desert. Cultural affiliation with the Gabrielino ethnographic group is recognized during the past millennium. The varied ecological zones of the Los Angeles Basin and the easily accessible fresh water from the Santa Ana, Los Angeles, and San Gabriel rivers were attributes that provided favorable conditions for both prehistoric and historic settlement.

In terms of historic resources, regional history begins with Spanish explorations beginning in 1520. These explorations touched on the shores of Santa Catalina Island and the Gabrielinos living there, but not the Los Angeles coastline (Bean and Smith, 1978). Later, in the late 1700s, further Spanish exploration brought settlers and missions to the region. A combination of railroads and good agriculture attracted more settlers and, eventually, the City of Los Angeles and its surrounding communities, which occupy the entire basin, were developed.

Based on previously recorded remains and the historical development of the Los Angeles Basin, the kinds of archaeological resources expected include charcoal, obsidian, chert flakes, grinding bowls, shell fragments, bone, and pockets of dark, friable soils. Historic resources include glass, metal, ceramics, wood, and similar debris. Most cultural indicators are likely to have been damaged by development, intentional destruction, collection, and urban expansion.

8.3.1.2 Prehistoric Period

The general trend throughout California prehistory has been an increase in population density over time, coupled with greater sedentism and the use of a greater diversity of food resources. There is abundant evidence that humans were present in the New World for at least the past 11,500 years. There is also fragmentary, but growing, evidence that humans were present long before that date. Linguistic and genetic studies suggest that a date of 20,000 to 40,000 years ago for the human colonization of the New World may be possible. The evidence of this earlier occupation is not yet conclusive, but it is beginning to be accepted by archaeologists. The Meadowcroft Rockshelter in Pennsylvania and Monte Verde in Chile, for instance, are two early sites that have produced apparently reliable dates as early as 12,500 years before present. These earliest known remains indicate very small, mobile populations, apparently dependent on hunting of large game animals as the primary subsistence strategy.

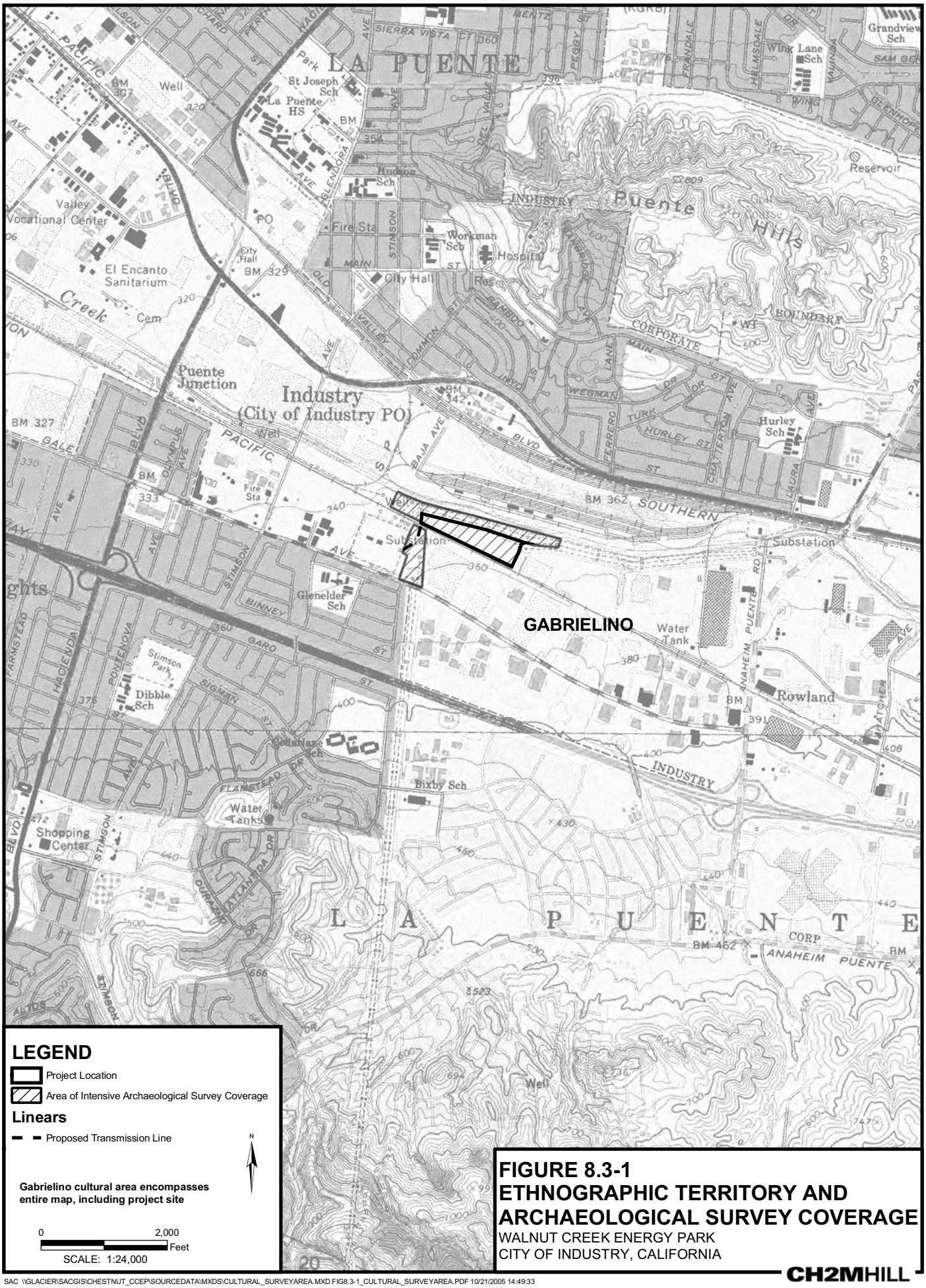

FIGURE 8.3-1
ETHNOGRAPHIC TERRITORY AND ARCHAEOLOGICAL SURVEY COVERAGE
WALNUT CREEK ENERGY PARK
CITY OF INDUSTRY, CALIFORNIA

CH2MHILL

SAC \\GLACIER\SACGIS\CHESTNUT_CCEP\SOURCEDATA\MXDS\CULTURAL_SURVEYAREA.MXD FIG8.3-1_CULTURAL_SURVEYAREA.PDF 10/21/2005 14:49:33

The first useful chronology for southern California in general was developed by William Wallace (1955), who described four distinct periods applicable to the southern California coastal region. Although dated, the chronology's relative accuracy has been vindicated by more recent radiocarbon dates, and archaeologists still find it applicable.

Wallace's earliest period is called Horizon I: Early Man, and dates from the end of the Pleistocene (approximately 12,000 years ago) to about 7,500 years ago. The surviving material culture of this period consists primarily of large, well-made projectile points as well as large, but crude, stone tools such as scrapers and choppers. Many encampments during this period were not permanent, and were sited near the kills of Pleistocene megafauna (mastodon, mammoth, giant bison). Such an economy, using only a small fraction of the available resources, did not support large populations; and early groups were generally no larger than extended families. As the Pleistocene ended and the megafauna suddenly became extinct, prehistoric people during this period were forced to broaden their resource extraction base.

The succeeding period identified by Wallace, Horizon II: Millingstone Assemblages (7,500 to 5,000 years ago), gets its name from the sudden appearance in the archaeological record stone milling tools, such as the mano (handstone) and slab and basin metate (flat grinding stone). These tools were used to process the small, hard seeds associated with the sage scrub ecological community. Settlement size seems to have increased, compared with the previous period. An annual round of seasonal migrations was likely practiced as movements coincided with ripening vegetal resources and rotated among hunting and gathering grounds to avoid over-exploitation of resources in a given area.

The Millingstone Period is followed, in Wallace's scheme, by Horizon III: Intermediate Cultures (5,000 to 1,000 years ago). The major change marking this new period was the introduction of the mortar and pestle. This tool is an indicator of the intensification of acorn food production. Although the acorn had been present and was no doubt used as a food source earlier than this, the need for labor-intensive processing of this food (grinding and leaching) may have discouraged people from extensive use until increasing population densities made it necessary to extract more food from a given group's territory. Flaked stone tools also became more diverse and plentiful during this period. Along with population growth came the increasing diversification of food resources. Late in this period, the bow and arrow was introduced, as indicated by the greater number of small, finely flaked projectile points. This technology spread across North America about 1500 years ago from an unknown origin point. It allowed for more accurate, if less powerful, propulsion of projectiles than the previous spear thrower (atl-atl) and dart technology and is thus more useful for shooting smaller game.

Wallace's final phase is called Horizon IV: Late Prehistoric Cultures. In the Late Prehistoric (1,000 to 200 years ago), groups increasingly developed extensive trade networks to bring exotic goods over long distances (shell for ornaments and currency from the Pacific Ocean, obsidian for tool-making from distant sources). The pattern of life in Horizon IV was more complex than during earlier periods. More classes of artifacts were being produced and they exhibited a more sophisticated degree of workmanship. Other items include steatite containers, shell fishhooks, perforated stones, bone tools, personal ornaments, asphalt adhesive and elaborate mortuary customs. In addition, the population increased and larger, more permanent villages evolved (Wallace, 1955).

8.3.1.3 Ethnographic Setting

The project area lies within Gabrielino territory, which encompasses present-day Los Angeles and Orange counties, and San Clemente, Santa Catalina, and San Nicolas islands (Bean and Smith, 1978). Eventually, Gabrielino territory encompassed the greater Los Angeles Basin, coastal regions from Topanga Canyon in the north to Aliso Creek in the south, and the islands of San Clemente, San Nicholas and Santa Catalina (Bean and Smith 1978).

The Gabrielino arrived in the Los Angeles Basin around 1,500 years ago as part of a colonization or infiltration of people from the southwestern Great Basin who spoke Takic Shoshonean languages of the Uto-Aztecan family. The ancestral Gabrielino gradually displaced the indigenous peoples, probably speakers of languages belonging to the Hokan family. Large, permanent villages were established in the fertile lowlands along rivers and streams and in sheltered areas along the coast. Recent studies suggest the Gabrielino population may have numbered as many as 10,000 in the precontact period.

The subsistence economy of the Gabrielino was one of hunting and gathering. The surrounding environment was rich and varied and the natives were able to exploit mountains, foothills, valleys, deserts and coasts. Acorns provided the most important staple food, supplemented by the roots, leaves, seeds and fruit of a wide variety of flora (i.e., cactus, yucca, sage, agave, etc.). Fresh and saltwater fish, shellfish, birds, insects, as well as large and small mammals, were exploited.

A wide variety of tools and implements were employed by the Gabrielino to gather, collect and process food resources. The most important hunting tool was the bow and arrow. Traps, nets, blinds, throwing sticks and slings were also employed. Fish were an important resource and nets, traps, spears, harpoons, hooks and poisons were utilized to catch them. Ocean-going plank canoes and tule balsa canoes were used for fishing as well as for travel by those groups residing near the ocean. The processing of food resources was accomplished in a variety of ways: nuts were cracked with hammer stone and anvil; acorns were ground with mortar and pestle, seeds and berries with mano and metate. Yucca, an important resource in many areas, was eaten by the natives, as well as exploited for its fibers. Strainers, leaching baskets and bowls, knives, bone saws and wooden drying racks were also employed. Food was consumed from a variety of vessels. Catalina Island steatite was used to make ollas and cooking vessels (Kroeber, 1925). Gabrielino houses were circular, domed structures of willow poles thatched with tule. They were actually quite large and could hold 50 individuals. Other structures served as sweathouses, menstrual huts and ceremonial enclosures (Bean and Smith, 1978).

The Gabrielino traced their descent through the male line (Kroeber, 1925), with status being determined by both wealth and heredity. Each lineage had a leader (chief), whose authority rested in possession of a “sacred bundle.” The chief had several assistants to help him with his many duties, including the collection of taxes (gifts from the people, primarily for consumption by guests), leading war parties, concluding treaties and seeing to community welfare. Subject to approval of the people, the position of chief was hereditary within the male line, though females could serve if no male heir was available. Shamans were also people of power, whose primary responsibilities were the overseeing of the various rituals. The mainland Gabrielino practiced cremation of the dead. Cremation usually occurred about three days after death. Most possessions of the deceased were burned, though some were kept for burning at the annual mourning ceremony, an 8-day event in the fall of the year.

The term "Gabrielino" is a reference to the direct linkage between the Native American population of the San Gabriel Valley and the Mission San Gabriel de Archangel. The Mission was originally located in the Whittier Narrows area but relocated shortly after its founding because of unstable ground along the Rio Hondo/San Gabriel River channels.

A number of factors led to the deterioration of the Native American lifeways. Missionization, the Gold Rush, and the granting of statehood to California brought many Europeans and Anglo-Americans to the area (Bancroft, 1886; Kroeber, 1976). Mission San Gabriel was founded in 1771, and by 1778 mass conversions of Native American villages began. Many Native Americans were brought to the mission, where they were taught the Catholic faith, the Spanish language, and crafts. The change in lifeways was forced on the Gabrielino, and led to destruction of Native American lifeways and massive population reduction because of disease in the densely settled missions. The success of the missions began to decline in 1833, when a Native American emancipation decree was passed. The missions were confiscated by the Mexican government in 1835. At that time, land was granted to citizens for use as grazing land (Elliot, 1967; Moyer, 1967). Many Native Americans were forced to work on ranches (Moratto et al., 1994).

8.3.1.4 Historic Setting

Spanish contact with the Gabrielino people occurred as early as 1542 when Juan Rodríguez Cabrillo first explored the region. At first feared, the Spanish were received with hospitality when they returned in 1602 under Sebastian Vizcaíno. In 1769, the Spanish began to dispatch land expeditions to locate suitable mission sites within Gabrielino territory. By 1771, two missions (San Fernando and San Gabriel) had been built in the Gabrielino area and the conversion of the Gabrielino to a new way of life in the mission system began. European diseases, from which the native inhabitants had no immunity, began decimating entire villages. By 1785, despite frequent protests and revolts against the missions, most Gabrielino had become members of a peasant class, laboring for the missions or the landed gentry (Bean and Smith 1978). In the early-to-mid-1800s, most Gabrielino had been missionized, fled to other parts of California, or died from European diseases, in particular, smallpox (Bean and Smith, 1978).

Land in the project area became part of a vast rancho granted by the Spanish crown to the San Gabriel Mission for pasture. After the secularization of the missions that took place after Mexican independence, these pasture lands were taken away from the mission and divided among land grantees, who either were or pledged to become Mexican citizens, and agreed to employ Native Americans on their ranchos. The project area became part of one of these land-grant ranchos when, in 1842, Mexican Governor Alvarado granted the 48,790-acre Rancho La Puente to John Rowland and William Workman for $1,000. Rowland and Workman had arrived together in a wagon train from Taos, New Mexico in 1841. In 1851, Rowland and Workman split up the rancho, with Rowland taking the eastern 29,000 acres and Workman taking the western 20,000 acres. The Workman Ranch was sold and divided after the collapse of the Temple-Workman bank during a financial panic in 1875. The Rowland Ranch was maintained by Rowland's heirs as agricultural land until the 1950s. Both ranchos diversified into wheat and grape production after droughts during the 1860s decimated cattle herds and damaged the ranching economy in Southern California. Rowland was California's first large-scale wine producer, and Workman exported wines as far as the eastern United States in the late nineteenth century. The former La Puente rancho area became particularly well known for walnut and fruit production during the 1930s.

Workman's house, the mansion built by his son-in-law Francisco Temple, and a family cemetery are part of the Workman and Temple Family Homestead Museum located in the City of Industry, approximately 1 mile west of the WCEP site, along the banks of San Jose Creek. The home and cemetery are listed on the National Register of Historic Places and are also listed as California State Registered Landmark 874. The Workman home, Temple home (Casa Nueva) and family cemetery (El Campo Santo) are also designated Los Angeles County Points of Historical Interest (City of Industry, 2005) and are located at 15415 East Don Julian Road, City of Industry, and maintained and operated for public education by the City of Industry. Rowland's original adobe was located south of and across San Jose Creek from the Workman home and is no longer standing. Rowland's two-story house, built in the 1850s, is listed in the National Register and is located at 16021 Gale Avenue, City of Industry, approximately 0.6 miles west of the WCEP site.

Interest in obtaining petroleum fuels locally in California began when the Civil War curtailed the supply of kerosene from the East. The first drilled oil well was established on the Mattole River in northern California in 1865, followed by wells in Ojai and Newhall. Problems with drilling and refining techniques caused the oil boom of California to temporarily come to a halt by 1867. By the mid-1880s advances in technology had solved most of the refining and drilling problems and California's production rate increased dramatically. New uses for petroleum products coupled with new oil fields in Los Angeles and the San Joaquin Valley propelled California into the lead position for oil production by 1903 (Beck and Haase, 1974). By the mid-1900s, the oil fields in the southern part of the San Joaquin Valley and Los Angeles County were the most productive in the state. There are several oil fields in the project area, mostly in the hills south of Hacienda Heights.

Intensive development of the project area for residential and industrial uses began in the mid-1950s. The City of La Puente was incorporated in 1956 as a mostly residential city. The City of Industry was incorporated the following year as an industrial city. Local residents foresaw that the expansion of the Los Angeles metropolitan area would soon reach the East San Gabriel Valley and also foresaw the need for land that could accommodate the industrial expansion of the Los Angeles Basin. Local resident James Stafford, a member of the Los Angeles Regional Planning Commission, first proposed and promoted the idea of creating an industrial city. After incorporation, the city grew rapidly through the 1960s. In the 1970s the City began to diversify by encouraging commercial development to a greater extent.

8.3.1.5 Resources Inventory

The WCEP project site and linear facilities were subject to 100 percent cultural resources inventory. This inventory is based on both archive/background research and surface pedestrian survey. The results of the resource inventory are presented in the sections below.

8.3.1.5.1 Archival Research

Staff of the California Historical Resources Information System (CHRIS) South Central California Information Center (SCCIC) (California State University, Fullerton) conducted a detailed literature search for the WCEP project (SCCIC File No. 5842.3053). The study area defined for the literature search is the area within a half-mile of the project site and any linear facilities.

According to information available in the CHRIS files, there have been eight previous cultural resource surveys conducted within this study area (Table 8.3-1).

TABLE 8.3-1
Authors, Dates, and CHRIS Catalog Number of Reports of Cultural Resources Reports Near WCEP

Frierman (1992) – SCCIC- LA2790	Storey (2000) – SCCIC- LA4883
King (1995) – SCCIC- LA3455	Smith (2001) – SCCIC- LA4954
Wlodarski (1990) – SCCIC- LA3845	Duke (2002) – SCCIC- LA6273
Ashkar (1999) – SCCIC- LA4835	Duke (2001) – SCCIC- LA6284

Source: California Historical Resources Inventory System, South Central California Information Center.

The record search indicated that there is one previously recorded property (California Historic Resources Inventory Site 19-186112) within a half mile of the project site and transmission line. The railroad was constructed in 1902 as the San Pedro, Los Angeles & Salt Lake Railway as a competitor to the previously installed Southern Pacific Line, which runs within a mile to the north. This route is operated by the Union Pacific Railroad.

The railroad is currently used as part of the Southern California Regional Rail Authority MetroLink Riverside line and borders the south side of the WCEP. Segments of this railroad have been previously recorded in other parts of Los Angeles, Riverside, and San Bernardino counties. The line has been previously determined to meet the criteria for listing in the National Register of Historic Places and California Register of Historical Resources.

As noted above, the Workman and Temple historic homes are located just over 1 mile from the project site and the Rowland historic home is located about 0.6 mile from the project site. Each of these properties is listed in the National Register. They are located well outside of the project area of potential effects, and the project would have no effect on them.

8.3.1.5.2 Field Survey

Site Conditions

The project site is a densely developed industrial and residential area approximately 12 miles east of downtown Los Angeles. The site is located within an industrial park and is currently occupied by a warehouse and truck parking lot. Surrounding land uses include industrial uses (large, tilt-up warehouses) to the south and east; utility uses, including a transmission corridor to the north and substation to the south; and utility and industrial uses to the north, consisting of the transmission corridor, San Jose Creek flood control channel, and a large intermodal rail yard. There are residential areas to the south in the unincorporated community of Hacienda Heights and to the north in the City of La Puente.

A qualified archaeologist (Clint Helton, M.A., RPA) conducted a pedestrian archaeological survey of the entire area of potential effects of the proposed power plant site and the construction laydown and transmission interconnection areas on September 1, 2005. This survey area included the SCE 66-kV transmission right-of-way area to the north of the WCEP, which may be used for laydown during construction. Mr. Helton meets the qualifications for Principal Investigator stated in the Secretary of the Interior's standards and guidelines for archaeology and historic preservation (USNPS, 1983, 2002). No historic or prehistoric resources were observed during the survey. Very little ground surface or

vegetation were visible. The area surveyed for cultural resources is depicted in Figure 8.3-1. Open areas were surveyed at 20-meter or narrower transects. Opportunistic use was made of any visible ground surface or vegetation-free spots. Pedestrian survey revealed no archaeological resources.

Plant Site

The WCEP site is located on 11.48 acres at 911 Bixby Drive in the City of Industry. The WCEP site is located within an industrial park and is currently occupied by a warehouse and truck parking lot. Reclaimed water, sanitary sewer, natural gas, and potable water are all available either on the project parcel or immediately adjacent to it, so the project will need no pipelines other than short (<30 feet) tie-ins to Bixby Street.

A pedestrian archaeological survey was conducted over all parts of the 11.48-acre project site that were accessible (not covered by the warehouse) using 20-meter parallel transects. Little to no ground visibility exists at the site because it is entirely covered with either asphalt or the warehouse, except for small tree planters in the parking lot. No prehistoric or historic cultural remains were observed.

Southern California Edison Transmission Corridor

Portions of the adjacent SCE transmission line corridors to the southwest and north of the plant site were also surveyed. During construction, Walnut Creek Energy, LLC (WCE) may utilize a portion of the transmission corridor to the north of the plant site for construction access. Additionally, a direct connection with the SCE Walnut Substation may require a two transmission towers to be located southwest of the plant site in the SCE transmission easement. Therefore, both of these areas were included in the cultural resources inventory (see Figure 8.3-1). The corridor to the southwest is currently being used as a private nursery and growing area. It is covered with potted plants and gravel pathways. The transmission line corridor to the north of the plant site was covered in low weeds and grasses. A single-track access road paralleling the lines was present. Bare spots were carefully examined for any signs of cultural material. Ground visibility was approximately 15 percent. No prehistoric or historic cultural remains were observed within the SCE transmission corridor.

8.3.1.5.3 Architectural Reconnaissance

Architectural reconnaissance was also conducted for the project. This consisted of examining neighboring properties to determine whether or not historic or potentially historic buildings or structures might be located near or adjacent to the WCEP that the project could affect. This reconnaissance showed that there are no buildings or structures older than 45 years near the project site. Adjacent buildings are industrial warehouses that appear to be constructed recently.

8.3.1.5.4 Native American Consultation

The Native American Heritage Commission (NAHC) was contacted by letter on August 24, 2005, to request information about traditional cultural properties such as cemeteries and sacred places in the project area. The NAHC responded on September 7, 2005 with a list of Native Americans interested in consulting on development projects (See Appendix 8.3A). Each of these individuals/groups was contacted by letter. Responses were received from the Gabrielino Band of Mission Indians and the Gabrielino/Tongva Tribal Council (see Appendix 8.3A).

The NAHC record search of the Sacred Lands file failed to indicate the presence of Native American cultural resources in the immediate project area. The record search conducted at the South Central California Information Center also failed to indicate the presence of Native American traditional cultural properties.

8.3.2 Environmental Consequences

This section describes the environmental consequences of proposed WCEP construction and operation.

8.3.2.1 Significance Criteria

Appendix G, Environmental Checklist Form, of the CEQA guidelines addresses significance criteria with respect to cultural resources (Public Resources Code Sections 21000 et seq.). Appendix G (V)(a,b,d) indicates that an impact would be significant if the project will:

- Cause a substantial adverse change in the significance of a historical resource.
- Cause a substantial adverse change in the significance of an archaeological resource.
- Disturb any human remains, including those interred outside of formal cemeteries.

Project investigations included archival research, review of all cultural resource investigation reports within the WCEP project area; contacts with all other interested agencies, Native American groups, and historic societies; a complete archaeological field survey; and an architectural reconnaissance. These studies indicated that there are no significant prehistoric or historic archaeological remains, traditional cultural properties, or historic buildings and structures in the WCEP area of potential effects.

8.3.2.2 Construction Impacts

The literature search indicated that there is one previously recorded historic site within the area of potential effects—the Union Pacific railway line. This line is in operation and is immediately adjacent to and south of the WCEP site. The WCEP, however, will have no effect on this property. Construction will not take place on or within the railroad right-of-way. Although the project will introduce new elements, including a power plant next to the line and a transmission line spanning the line, these elements would have no effect on the qualities of this property that have qualified it for National Register listing, which have to do entirely with its historical associations, and not the integrity of its historical setting.

The literature search and pedestrian inventory have shown that there are no prehistoric or historic sites located within the WCEP site or near the transmission tower location. Therefore, the project is unlikely to have an adverse effect on significant historical or archaeological sites (that are eligible for listing in the California Register of Historical Resources). In addition, there are no known cemeteries in the project area that project construction might disturb.

It is possible, however, that the project could encounter buried cultural resources that have not previously been discovered, during the construction phase of the project. Because the project site is covered by a large warehouse and asphalt, which are scheduled for demolition by the Industry Urban Development Agency, it was not possible to survey the ground surface. In addition, the project site is located in the alluvial plain of San Jose Creek and is, therefore, located in an area of relatively high sensitivity for buried archaeological remains.

Furthermore, the Workman and Rowland homes are located relatively near the project site (1.1 and 0.6 miles, respectively) and were the focus of early historic ranching activity. It is, therefore, possible that project construction could result in impacts to early historic buried resources.

8.3.2.3 Operation Impacts

No ground disturbance would be required during project operation; therefore, impacts to cultural resources are not anticipated during operation of the proposed facility. Maintenance of all project facilities will not cause any effects outside of the initial construction area of impact.

8.3.3 Cumulative Impacts

Because the WCEP project would not affect known significant cultural resources, it would not be likely to cause significant cumulative impacts. If construction were to encounter a large, stratified, buried prehistoric archaeological site or discrete filled-in historic period features during construction, the possibility of cumulative impacts would arise because such sites might be significant, and many have been destroyed or damaged by agricultural activity and/or commercial/industrial/residential development in the project vicinity. The mitigation measures described in the following section would reduce any such potential cumulative impacts, however, to a level below significance, if this were to occur.

8.3.4 Mitigation Measures

Although significant archaeological and historical sites were not found during project field survey, it is possible that subsurface construction could encounter buried archaeological remains. For this reason, the WCEP project will include measures to mitigate any potential adverse impacts that could occur if there were an inadvertent discovery of buried cultural resources. These measures include (1) designation of a cultural resources specialist to be on-call to investigate any cultural resources finds made during construction, (2) implementation of a construction worker training program, (3) monitoring during initial clearing of the power plant site and excavation at the plant site, (4) procedures for halting construction in the event that there is an inadvertent discovery of archaeological deposits or human remains, (5) procedures for evaluating an inadvertent archaeological discovery, and (6) procedures to mitigate adverse impacts on any inadvertent archaeological discovery determined significant.

8.3.4.1 Designated Cultural Resources Specialist

The project owner will retain a Designated Cultural Resources Specialist (CRS) who will be available during the entire construction period to inspect and evaluate any finds of buried archaeological resources that might occur during construction. If there is a discovery of archaeological remains during construction, the CRS, in conjunction with the Construction Superintendent and Environmental Compliance Manager, will make certain that all construction activity stops in the immediate vicinity of the find until the find can be evaluated. The CRS will inspect the find and evaluate its potential significance, in consultation with CEC Staff and the CEC Compliance Project Manager (CPM). The CRS will make a recommendation as to the significance of the find and any measures that would mitigate adverse impacts of construction on a significant find.

The CRS will meet the minimum qualifications for Principal Investigator on federal projects under the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation. The CRS will be qualified, in addition to site detection, to evaluate the significance of the deposits, consult with regulatory agencies, and plan site evaluation and mitigation activities.

8.3.4.2 Construction Worker Training

The project owner will prepare a construction worker training program to ensure implementation of procedures to follow in the event that cultural resources are discovered during construction. This training will be provided to each construction worker as part of their environmental, health, and safety training. The training will include photographs of various types of historic and prehistoric artifacts and will describe the specific steps that will be taken in the event of an unanticipated discovery of cultural material, including human remains. It will explain the importance of, and legal basis for, the protection of significant archaeological resources. The training will also be presented in written form.

8.3.4.3 Monitoring

The project owner will retain a qualified archaeologist to monitor initial ground-clearing/grubbing and deeper excavations at the plant. If archaeological material is observed by the monitoring archaeologist, ground disturbing activity will be halted in the vicinity of the find so that its significance (California Register of Historical Resources [CRHR] eligibility) can be determined. If evaluated as significant, mitigation measures (avoidance or data recovery) will be developed in consultation with the CEC.

8.3.4.4 Emergency Discovery

If the archaeological monitor, construction staff, or others identify archaeological resources during construction, they will immediately notify the CRS and the site superintendent, who will halt construction in the immediate vicinity of the find, if necessary. The archaeological monitor or CRS will use flagging tape, rope, or some other means as necessary to delineate the area of the find within which construction will halt. This area will include the excavation trench from which the archaeological finds came as well as any piles of dirt or rock spoil from that area. Construction will not take place within the delineated find area until the CRS, in consultation with the CEC staff and CPM, can inspect and assess their significance.

8.3.4.5 Site Recording and Evaluation

The CRS will follow accepted professional standards in recording any archaeological find and will submit the standard Department of Parks and Recreation historic site form (Form DPR 523) and locational information to the South Central Information Center of the California Historic Resources Information System.

If the CRS determines that the find is not significant, and the CEC CPM concurs, construction will proceed without further delay. If the CRS determines that further information is needed to determine whether the find is significant, the Designated Cultural Resources Specialist will prepare a plan and a timetable for evaluating the find, in consultation with the CEC.

8.3.4.6 Mitigation Planning

If the CRS and CEC staff and CPM determine that the find is significant, the CRS will prepare and carry out a mitigation plan in accordance with State guidelines. This plan will emphasize the avoidance, if possible, of significant archaeological resources. If avoidance is not possible, recovery of a sample of the deposit from which archaeologists can define scientific data to address archaeological research questions will be considered an effective mitigation measure for damage to or destruction of the deposit.

The mitigation program, if necessary, will be carried out as soon as possible to avoid construction delays. Construction will resume at the site as soon as the field data collection phase of any data recovery efforts is completed. The CRS will verify the completion of field data collection by letter to the project owner and the CPM so that the project owner and the CPM can authorize resuming construction.

8.3.4.7 Curation

The CRS will arrange for curation of archaeological materials collected during an archaeological data recovery mitigation program. Curation will be at a qualified curation facility meeting the standards of the California Office of Historic Preservation. The CRS will submit field notes, stratigraphic drawings, and other materials developed as part of the data recovery/mitigation program to the curation facility along with the archaeological collection, in accordance with the mitigation plan.

8.3.4.8 Report of Findings

If a data recovery program is planned and implemented during construction, the CRS will prepare a detailed scientific report summarizing results of the excavations to recover data from an archaeological site as a mitigation measure. This report will describe the site soils and stratigraphy, describe and analyze artifacts and other materials recovered, and draw scientific conclusions regarding the results of the excavations. This report will be submitted to the curation facility with the collection.

8.3.4.9 Inadvertent Discovery of Human Burials

If human remains are found during construction, project officials are required by the California Health and Safety Code (Section 7050.5) to contact the County Coroner. If the Coroner determines that the find is Native American, he/she must contact the NAHC. The NAHC, as required by the Public Resources Code (Section 5097.98) determines and notifies the Most Likely Descendant, and requests the Most Likely Descendant to inspect the burial and make recommendations for treatment or disposal.

8.3.5 Laws, Ordinances, Regulations and Standards

A summary of applicable LORS is provided in Table 8.3-2.

TABLE 8.3-2
Applicable Cultural Resource Laws, Ordinances, Regulations, and Standards

Law, Ordinance, Regulation, or Standard	Applicability	Project Conformity?
California Environment Quality Act Guidelines	Project construction may encounter archaeological resources	Yes
Health and Safety Code Section 7050.5	Construction may encounter Native American graves, Coroner calls NAHC	Yes
Public Resources Code Section 5097.98	Construction may encounter Native American graves, NAHC assigns Most Likely Descendant	Yes
Public Resources Code Section 5097.5/5097.9	Would apply only if some project land were acquired by the state (currently no state land)	Yes

8.3.5.1 State of California Statutes

CEQA requires review to determine if a project will have a significant effect on archaeological sites or a property of historic or cultural significance to a community or ethnic group eligible for inclusion in the CRHR (CEQA Guidelines). CEQA equates a substantial adverse change in the significance of a historical resource with a significant effect on the environment (Section 21084.1 of the Public Resources Code) and defines substantial adverse change as demolition, destruction, relocation, or alteration that would impair historical significance (Section 5020.1). Section 21084.1 stipulates that any resource listed in, or eligible for listing in, the CRHR[3] is presumed to be historically or culturally significant.[4]

Resources listed in a local historic register or deemed significant in a historical resource survey (as provided under Section 5024.1g) are presumed historically or culturally significant unless the preponderance of evidence demonstrates they are not.

A resource that is not listed in or determined to be eligible for listing in the CRHR, is not included in a local register of historic resources, nor deemed significant in a historical resource survey, may nonetheless be historically significant (Section 21084.1; see Section 21098.1).

[3] The CRHR is a listing of "…those properties which are to be protected from substantial adverse change." Any resource eligible for listing in the California Register is also to be considered under CEQA.

[4] A historical resource may be listed in the CRHR if it meets one or more of the following criteria: "(1) is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States; (2) is associated with the lives of persons important to local, California or national history; (3) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or (4) has yielded or has the potential to yield information important in prehistory or history (…of the local area, California or the nation)" (Public Resources Code §5024.1, Title 14 CCR, Section 4852). Automatic CRHR listings include National Register of Historic Places (NRHP)-listed and determined eligible historic properties (either by the Keeper of the NRHP or through a consensus determination on a project review); State Historical Landmarks from number 770 onward; and Points of Historical Interest nominated from January 1998 onward. Landmarks prior to 770 and Points of Historical Interest may be listed through an action of the State Historical Resources Commission.

CEQA requires a Lead Agency to identify and examine environmental effects that may result in significant adverse effects. Where a project may adversely affect a unique archaeological resource,[5] Section 21083.2 requires the Lead Agency to treat that effect as a significant environmental effect and prepare an Environmental Impact Review (EIR). When an archaeological resource is listed in or is eligible to be listed in the CRHR, Section 21084.1 requires that any substantial adverse effect to that resource be considered a significant environmental effect. Sections 21083.2 and 21084.1 operate independently to ensure that potential effects on archaeological resources are considered as part of a project's environmental analysis. Either of these benchmarks may indicate that a project may have a potential adverse effect on archaeological resources.

Other state-level requirements for cultural resources management appear in the California Public Resources Code Chapter 1.7, Section 5097.5 (Archaeological, Paleontological, and Historical Sites), and Chapter 1.75, beginning at Section 5097.9 (Native American Historical, Cultural, and Sacred Sites) for lands owned by the state or a state agency.

The disposition of Native American burials is governed by Section 7050.5 of the California Health and Safety Code and Sections 5097.94 and 5097.98 of the Public Resources Code, and falls within the jurisdiction of the NAHC.

If human remains are discovered, the Los Angeles County Coroner must be notified within 48 hours and there should be no further disturbance to the site where the remains were found. If the remains are determined by the coroner to be Native American, the Coroner is responsible for contacting the NAHC within 24 hours. The NAHC, pursuant to Section 5097.98, will immediately notify those persons it believes to be most likely descended from the deceased Native American so they can inspect the burial site and make recommendations for treatment or disposal.

8.3.5.2 Local Policies

The City of Industry does not have specific a policy pertaining to historic or cultural resources in the General Plan.

8.3.6 Involved Agencies and Agency Contacts

Table 8.3-3 lists the state agencies involved in cultural resources management for the project and a contact person at each agency. These agencies include the NAHC and, for federal undertakings, the California Office of Historic Preservation (OHP).

[5] Public Resources Code 21083.2 (g) defines a unique archaeological resource to be: An archaeological artifact, object, or site, about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria: (1) contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information; (2) has a special and particular quality such as being the oldest of its type or the best available example of its type; or (3) is directly associated with a scientifically recognized important prehistoric or historic event or person.

TABLE 8.3-3
Agency Contacts

Issue	Contact	Title	Telephone
Native American traditional cultural properties	Rob Wood NAHC	Associate Governmental Program Analyst	(916) 653-4082
Federal agency NHPA Section 106 compliance	Milford Wayne Donaldson Office of Historic Preservation	State Historic Preservation Officer	(916) 653-6624

8.3.7 Permits Required and Schedule

Other than certification by the CEC, no state, federal, or local permits are required by the project for the management of cultural resources. Consultation with the State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation would be required under Section 106 of the National Historic Preservation Act if, for example, as the result of a later project change, the project were to become a federal undertaking and significant cultural resources could be were likely to be affected by the project.

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